

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UNITED STATES OF AMERICA )  
 )  
VS. )  
 )  
YASIN AHMED FARAH )

NO. 3:10-cr-00260-10  
JUDGE HAYNES

MOTION TO DISQUALIFY PROSECUTOR

Comes the Defendant, Yasin Ahmed Farah, through undersigned counsel, and moves the Court to issue an order disqualifying Van Vincent, Assistant United States Attorney, as prosecutor in the above styled case. For grounds, the Defendant avers that Mr. Vincent will be called by the defense as a witness. The Defendant asserts that Mr. Vincent is a necessary witness. Specifically, Mr. Vincent's testimony will bolster Mr. Farah's testimony at trial. Credibility will be the paramount issue before the jury inasmuch as Mr. Farah is charged with perjury, obstruction of justice and attempted obstruction of justice of an 18 U.S.C. 1591 prosecution.

It is well established that an attorney representing the government cannot act both as prosecutor and witness. United States v. Johnson, 690 F. 2d 638, 642, 43 (7<sup>th</sup> Cir.1982) (en banc).

For additional grounds, the Court is referenced to the memorandum filed contemporaneously with this motion.

Respectfully submitted,

/s/ Roger N. "Bo" Taylor  
ROGER N. "BO" TAYLOR  
Attorney for Yasin Ahmed Farah  
305 Fourteenth Avenue, North  
Nashville, Tennessee 37203  
(615) 859-0060; Fax: (615) 320-5597  
[bo.taylor@305lawoffice.com](mailto:bo.taylor@305lawoffice.com)

*OPEN*  
*Applying Johnson, this motion is DENIED. Although Agent Pottatz was present during the conversation at issue, Pottatz does not recall the statement, rendering the need for Van Vincent's testimony greater. Yet, the Government's response D/E NO. 1341 at 2 lines 3 and 4 can be used as evidence of Vincent's statement. Fed R. Evid. 807.*